

Remarks

Claims 1-10 are pending and under consideration in this application.

In the Office Action of October 25, 2001, claims 1-10 were rejected. Claims 11-20 were withdrawn from consideration, pursuant to a restriction requirement. Claims 1-6 were rejected as anticipated by *Zettle*. Claims 7-8 were rejected as unpatentable over *Zettle* in view of *Randall*. Claim 9 was rejected as obvious in view of *Zettle* and *Fortuna*. Claim 10 was rejected as obvious in view of *Zettle* and *Edwards*.

All of the rejections are based primarily on the application of *Zettle*. Yet, as the amended claims make clear, *Zettle* does not fairly teach or suggest a container such as that claimed.

Independent claims 1, 24 and 25 and, *a fortiori*, each of dependent claims 2-10 and 21-22, require a container constructed so as to be capable of resisting permanent deformation when used in a hot fill or retort process. In fact, as the specification makes clear, the claimed container is equally adaptable for these varied uses because of its inherent integrity and sturdiness (page 7, lines 10-12). The walls of the container resist paneling and other deformations (page 7, lines 12-13).

Zettle, on the other hand, is a container which collapses on purpose. The *Zettle* container is entirely not suitable for hot fill or retort processes. *Zettle* essentially is only useful as a temporary container for drinking.

There is no indication that any of the other cited references are suited for hot fill or retort processes, much less provide any suggestion or teaching as to how to modify *Zettle* to produce a container suitable for hot fill or retort processes.

Given the foregoing, it is submitted that claims 1-10 and 21-25 are patentable and the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL

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By: David R. Metzger
David R. Metzger
Reg. No. 32,919

SONNENSCHN NATH & ROSENTHAL
P.O. Box #061080
Wacker Drive Station
Sears Tower
Chicago, IL 60606-6404
(312)876-8000

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1/22/02 JoEllen Hogan
Date JoEllen Hogan

APPENDIX

VERSION WITH MARKINGS SHOWING CHANGES MADE

1. (Amended) A plastic molded container comprising:
a bowl comprising an upper rim, a bottom and sidewall extending between the upper rim and the bottom,
the sidewall comprising a lower frustum section, a narrow mid-section, and an upper frustum section,
the lower frustum section connecting the bottom to the mid-section, the lower frustum section decreasing in width as the lower frustum section extends from the bottom to mid-section,
the upper frustum section connecting the upper rim to the mid-section, the upper frustum section decreasing in width as the upper frustum section extends from the upper rim to mid-section[.], and
the container being constructed such that it is capable of resisting permanent deformation when used in a hot fill or retort process.